IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 2835 of 2005

Between:

1 The District Medical & Health Officer, Vizianagaram.
2 The Medical Officer, Primary Health Centre
Karlam, Vizianagaram District
3 The District Collector Vizianagaram.

..... PETITIONERS

AND

Smt. Yejjala Kumari W/o P.Nagabushnarao,
R/o Vijaya Colony, Cheepurirupalli Vill & Mandal
Vizianagaram District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or direction more particularly one in the nature of 'WRIT OF CERITIORARI" calling for the records connected with order in OA.No.4727/2003, dt. 02/09/2004 on the file of the Hon'ble Andhra Pradesh Administriative Tribunal , Hyderabad and to quash the same as erroneous and contrary to law.

Counsel for the Petitioner:GP FOR SERVICES I

Counsel for the Respondent No.1:Mr. B.Ranganatha Rao

The Court made the following :

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ORDER: **(Per the Hon'ble Sri Justice G.Bikshapathy)**

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This Writ Petition is filed by the Government challenging the order dated 2-9-2004 in O.A. 4727 of 2003 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad.

2. The respondent was appointed as Multi Purpose Health Assistant on 18-4-2001 on contractual basis for one year. However, after the expiry of one year, she was continued in service and no termination was effected. While so, on 16-7-2003 the District Medical and Health Officer, Vizianagaram terminated her services. Challenging the order of termination she filed O.A.No.4727 of 2003. The Tribunal after considering the matter in detail held that the termination of the petitioner without holding an enquiry was invalid and accordingly set aside the termination order dated 16-7-2003 and directed reinstatement of the respondent with all back wages. Assailing the order of the Tribunal, the Government filed this writ petitioner.

3. The learned Government Pleader submits that the Government has got power to terminate the services of the respondent at any point of time and as it is a contractual appointment, her termination is not in violation of Article 311 of the Constitution of India and no opportunity need be given to the respondent. He also submits that even in the enquiry conducted by the officials, it was found that it is not possible to continue the services of the respondent. Hence, the termination of the respondent cannot be said to be illegal and contrary to law.

4. On the other hand, the learned counsel for the respondent submits that the Tribunal correctly found that the order of the District Medical and Health Officer, Vizianagaram is not sustainable in view of the fact that termination orders were issued against the respondent without conducting proper enquiry and the Tribunal has rightly set aside the order of termination. Hence, the writ petition is liable to be

dismissed.

5. Heard the learned counsel for the parties and also perused the order.

6. Even though the contractual appointment is expired by 18-4-2002 she continued in service till 20-6-2003. But, however, the termination order was issued on the ground that she was irregular in her duties, she showed poor performance in all national programmes not staying at her bona fide headquarters. Taking into consideration the sole ground that the services of the respondent were terminated without giving any opportunity, the Tribunal allowed the O.A.

6. We are unable to take a different view, than what was taken by the Tribunal. We do not find any flaw in the order of the Tribunal.

7. Accordingly, the writ petition is dismissed. However, we leave it open to the Government to pass appropriate orders under

the contractual terms, if they so desire. No order as to costs.

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G.Bikshapathy, J.

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P.S.Narayana,J.

14th March, 2005

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Medical & Health Officer, Vizianagaram.
2 The Medical Officer, Primary Health Centre
Karlam, Vizianagaram District
3 The District Collector Vizianagaram.

4. The Registrar, A.P.Administrative Tribunal, Hyderabad.

5. 2 CCs to G.P. for Services- I,High Court Buildings, Hyderabad

(OUT)

6. 2 CD copies

7. 1 CC to MR.RANGANADH RAO

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE P.S.NARAYANA

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